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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEE, MARINA

ART UNIT

PAPER NUMBER

2192

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/799,448	Applicant(s) FUKUI, SHINJI	
	Examiner MARINA LEE	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>November 30, 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment and response dated January 23, 2008 in responding to the Office Action of June 28, 2007 provided in the rejection of all pending claims 1-6.

Claims 1, 5, and 6 have been amended.

None of the claims has been cancelled nor newly added.

Thus, claims 1-6 are still pending in this application and which have been fully considered by the Examiner.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Prior Art's Arguments – Rejections

3. Applicant's arguments filed on January 23, 2008, especially on pages 9-10, with respect to new claim limitation, "a structure display device for causing to simultaneously display structure relationship of the analyzed structure relationship of said function block definition and structure relationship of the analyzed structure relationship of said

function block instance” are currently recited in claims 1, and 5, have been fully considered but they are moot in view of new ground (s) rejections by Kodosky et al., (art made of record) as will be fully addressed under the *Claim Rejections*— starting from item (4) bellows.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 are rejected under 35U.S.C. 102(e) as being anticipated by Kodosky et al., (U.S. Patent No. 2003/0034998 A1 – herein after Kodosky – art made of records).

As per claims 1 and 5, Kodosky discloses a method of displaying a program including function blocks for a display and edit device – (e.g., configuration diagram -- see at least [0210], said method comprising the steps of:

accessing said program stored in a program memory and analyzing structure relationship of function block definitions (program icons view in hierarchy view comprising an icon representing the main program and an icon representing each of the one or more sub-programs – see at least [0013], [0171], [0172], [0210], [0211], FIGS 15-20 and 21B, and associated text) contained in said program;

accessing said program and analyzing structure relationship of function block instances contained in said program (e.g., displaying the specific relationship of the plurality programs according to a program execution hierarchy –see at least [0013], [0171], [0172], [0210], [0211], FIGS 15-20 and 21B, and associated text); and

displaying simultaneously the analyzed structure relationship of functional block definitions and the analyzed structure relationship of functional block instances on a same display screen (e.g., displaying the specific relationship of the plurality programs according to a program execution hierarchy –see at least [0013], [0171], [0172], [0210], [0211], FIGS 15-20 and 21B, and associated text);

Further regarding to claim 1, Kodosky also discloses a display and edit device (e.g., computer system 82, Fig. 1 – see at least [0110]) for implementing the claim 1 method as have been addressed above.

As to claim 2, Kodosky discloses further comprising: an instance display device for causing to display a selected function block definition or a selected function block instance together with said structure relationship of the analyzed structure relationship of said function block definition and said structure relationship of the analyzed structure relationship of said function block instance (e.g., user can “drill down” in the configuration diagram to select a portion of the diagram such as sub system diagram – see at least [0016], Figs 15-20 and 21B, and associated text); and

a display judging device for causing said structure display device to display with an emphasis (e.g., highlighted) the structure relationship of said selected function block definition or selected function block instance or a corresponding portion of the structure

relationship of the function block instance (e.g., the various programs icons are highlighted to visually indicate which programs are executing – see at least [0041-0041], Figs 15-20 and 21B, and associated text).

As per claims 3 and 4, Kodosky discloses further comprising a display selector that selectively determines, when a command to switch display is received, whether a function block definition or a function block instance should be displayed, based on current display and current conditions of processing by said display and edit device and causes the determined display to be made – (e.g., user can “drill down” in the configuration diagram to select a portion of the diagram such as sub system diagram or program during executing– see at least [0016], Figs 15-20 and 21B, and associated text).

6. Claim 6 is rejected under 35U.S.C. 102(e) as being anticipated by Sojoodi et al., (U.S. Patent No. 6,437,805 B1 – hereinafter Sojoodi – art of records).

As to claim 6, Sojoodi discloses a computer-readable recording medium (e.g., memory medium – see at least col. 56: 21) embodying a program (e.g., a program written in C language of a server 252 see column 14, lines 41 and 42) for displaying and editing a user program including function blocks (e.g., block diagram or VI diagram – see at least col. 11: 40-41) for by a display and edit device (e.g., computer host 102 of Fig. 1 see detail column 11, lines 40-67 and column 12, lines 1-14), said program comprising:

a first program portion (e.g., object node or object function nodes 266 of Fig. 3

see column 13, lines 33-35; also see e.g., object controls 274 column 13, lines 26-29) for accessing the program containing function blocks and being stored in a program memory (e.g., main memory 206 of Fig. 2 see column 11, lines 52-55) and analyzing structure relationship of function block definitions (e.g., object refnum, and object open node see detail column 13, lines 37-40) contained in said program ;

a second program portion (e.g., object manager 268 of Fig. 3 see column 13, lines 47-52) for accessing said program and analyzing structure relationship of function block instances (e.g., instantiated object from the classes exported by the object server 252 see column 14, lines 43-44) contained in said program; and

a third program portion (e.g., Block Diagram Editor 264 of Fig. 3 see column 13, lines 40-46) for displaying the analyzed structure relationship of functional block definitions and the analyzed structure relationship of functional block instances on the same display screen (e.g., the block diagram comprises program execution element, referred to as nodes, which are wired or linked together to produce a data flow program of Fig. 6 see column 13, lines 1-6).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to the applicant disclosure.

Kudukoli (US 7, 210,117) is cited to teach graphical programming generating in response to receiving program information.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Lee whose telephone number is (571) 270-1648. The examiner can normally be reached on M-F (11am-7:30pm) Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marina Lee/

Examiner, Art Unit 2192

/Tuan Q. Dam/

Supervisory Patent Examiner, Art Unit 2192